

MINUTES
CHARLOTTE COUNTY BOARD OF ZONING APPEALS
Wednesday, September 8, 2010 – 9 a.m. – Room 119
Charlotte County Administration Center
18500 Murdock Circle
Port Charlotte, FL 33948-1094

*(These minutes are not official until they have been approved by
the Charlotte County Board of Zoning Appeals)*

Members Present

Tom Thornberry, *Chairman*
Edmund T. Hittson, *Vice-Chairman*
Bob Stout, *Secretary*
Bill Truex
Michael Brown

Staff Present

Derek Rooney, *Assistant County Attorney*
Nicole C. E. Dozier, *Zoning Official*
Ken Quillen, *AICP, Planner III*
Diane Clim, *Recorder*

I. Call to Order

Chairman Thornberry called the September 8, 2010 meeting of the Board of Zoning Appeals to order at 9:00 a.m.

II. Pledge of Allegiance

Chairman Thornberry led the members and the audience in reciting the Pledge of Allegiance.

III. Roll Call

Roll call was taken; a quorum was present.

IV. Swearing In of Those Giving Testimony

Diane Clim swore in all persons who wished to provide testimony.

V. Approval of Minutes

ACTION: *A motion was presented by Ed Hittson and seconded by Bill Truex to approve the minutes of the August 11, 2010 meeting of the Board of Zoning Appeals, with one correction. On page 4, the paragraph that starts with Mr. Rooney, it should read Assistant Co. Attorney, not Assistance. Minutes approved with the one change with a unanimous vote.*

VI. Disclosure Statements

Ex-parte forms indicating site visits concerning the petitions being presented before the September 8, 2010 Board of Zoning Appeals meeting were submitted.

VII. Introduction of Staff/Comments

Chairman Thornberry introduced staff. Nicole Dozier, Zoning Official, Attorney Derek Rooney, and Chair Thornberry made introductory remarks regarding the types of requests that the Board of Zoning Appeals would be reviewing and the standards which must be met, the notification process and how the Board of Zoning Appeals makes its decision.

VIII. New Business

The following petitions were advertised on August 24, 2010: VAR-10-13 and SE-10-18

Petition #VAR-10-13

Michael and Janet Pierce are requesting a variance to reduce the required front yard setback from 25' to 18' to allow a new mobile home in a Mobile Home Conventional (MHC) zoning district. The property address is 2931 Bayberry Avenue, Punta Gorda, Florida and is described as Lot 12 and the south half of Lot 11, of Block 'D', of Charlotte Park Subdivision, Sub-section 02, in Section 13, Township 41 South, Range 22 East. A complete legal description and additional information are on file.

Ken Quillen presented general information and staff findings for the petition.

Applicant Presentation

Jerry Ping, who represented Ronnie's manufactured housing, said the septic tank was installed in the wrong place. No one knew. This caused the problem with the mobile home.

Mr. Hittson asked if the big mound of dirt behind the mobile home is part of the septic system?

Mr. Ping said yes, it is called a raised septic system.

Chairman Thornberry opened the meeting to Public Hearing.

Public Input

Michael Pierce, owner, said he had some pictures and showed the Board. He discussed each picture. He showed the septic system and said the inspector rejected the drain field. The inspector made them move it over to the left and move the trenches further apart. This caused the house to move forward. They were told to tear down their shed and they had to put a retaining wall up.

Mr. Stout asked what was the reason demanding for you to demolish the shed?

Mr. Pierce said they said it was originally attached to the trailer. There was a roof over it, so when you went out from the trailer to the shed, you would not get wet. When the single wide was removed, the shed had to go.

There being no further requests to speak for or against the petition, Mr. Hittson moved to close the public hearing, seconded by Mr. Truex. The public hearing was closed with a unanimous vote.

Mr. Quillen said Mr. Feldman from the Health Department told him that the entire area has very shallow bedrock. It also has a very high water table. This is why they had to mound it up so high. Part of the reason for the wall, is so that the slope does not go under the mobile home. None of the runoff from the septic field could go under the mobile home.

Ken Quillen presented the analysis, conclusion and recommended conditions for the petition.

Board Member Comments and Questions

Mr. Truex asked if Mr. Feldman said why the owners were not notified in advance? He feels this should have been seen during the review process, not after it was installed.

Mr. Quillen said he agrees with what Mr. Truex is asking, but he does not know why it was not seen during the review process.

Mr. Thornberry asked what is the size of the new trailer?

Mr. Pierce said it is 4 feet shorter than the one we took out.

ACTION: ***A motion was presented by Bob Stout and seconded by Bill Truex that Petition VAR-10-13 be APPROVED based on the Growth Management Staff Report dated August 30, 2010, the evidence and testimony presented at the hearing, and finding that the applicant HAS MET the required criteria for the granting of the variance with 2 conditions.***

1. The variance as approved by the Board of Zoning Appeals is to reduce the front yard setback requirement only for the existing 1,248 square foot (24' by 52') modular home, to allow it to remain "as is", as shown on the **Boundary Survey #2** submitted and labeled Exhibit D in the staff report.
2. This variance extends only to the existing modular home to be used as a single-family residence and shall carry with this structure only. If the existing single-family residence is ever removed or replaced all future redevelopment must be constructed according to all applicable codes in existence at that time, unless a new variance is granted specific to the development proposed at that time.

Petition # SE-10-18

Walmart is requesting a special exception to increase the number and total area of signage permitted to allow five secondary class 'A' wall signs, totaling 470 square feet, in a Planned Development (PD) zoning district. The property address is 2931 South McCall Road, Englewood, Florida and is described as Parcels P1-2-2, P1-1 and P7-2, Lots 8 through 24 and Lots 28 and 29 of San Casa Industrial Park Subdivision, Lots 2 and 3 of J & J Subdivision, and the vacated right-of-ways for Woodgate Court and Industrial Lane located adjacent to said lots and parcels all located in Section 04, Township 41 south, Range 20 East. The property contains +/- 14 acres. A complete legal description and additional information are on file.

Ken Quillen presented general information and staff findings for the petition.

Applicant Presentation

Bill Tomala, Architect with Cuhaci & Peterson, agent for the applicant, thanked staff for their work and had no problem with the staff report. He said there are numerous signs on the site but the Code had changed, so they needed to apply for this special exception. He will answer any questions.

Chairman Thornberry opened the meeting to Public Hearing.

Public Input

No one came forward for or against this request.

There being no further requests to speak for or against the petition, Mr. Truex moved to close the public hearing, seconded by Mr. Brown. The public hearing was closed with a unanimous vote.

Ken Quillen presented the analysis, conclusion and recommended conditions for the petition.

Board Member Comments and Questions

None

ACTION: A motion was presented by Mr. Truex and seconded by Mr. Brown that Petition SE-10-18 be APPROVED based on the Growth Management Staff Report dated August 30, 2010, the evidence and testimony presented at the hearing, and finding that the applicant HAS MET the required criteria for the granting of the special exception with 4 conditions.

Motion was approved with a unanimous vote with the following conditions:

1. This special exception is to allow the eleven wall signs identified in the staff report as Signs numbered 1, 2, 3, 4, 5, 6 and 7 at the locations and the sizes specified in the drawings submitted by the applicant with this application.
2. Other signs may be permitted for future tenants only if they comply with the number and area permitted by code for that tenant space.
3. The site plan presented by the applicant as part of the petition is for illustrative purposes only. The proposed signs must comply with all other applicable codes, including the requirements for Sign Permits and Commercial Design Standards if applicable.
4. Any major changes or additions to this special exception shall require a modification of the special exception. Minor changes or additions such as accessory uses or structures may be approved by the Zoning Official.

IX. Public Comments - None

X. Staff Comments -

Mr. Quillen said we have 4 petitions for the October 13th hearing.

XI. Member Comments - None

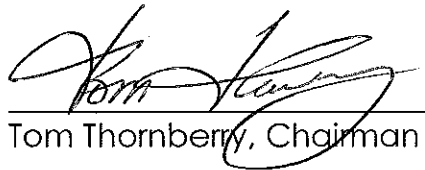
XII. Next Meeting

*The next meeting of the Board of Zoning Appeals is scheduled for
Wednesday, October 13, 2010, at 9:00 a.m., in Room 119.*

There being no further business, the meeting **ADJOURNED** at 10:40 a.m.

Respectfully submitted,

Diane Clim, Recorder



Tom Thornberry, Chairman

Approval Date: 10/31/10